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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,981	10/15/2001	Raymond Anthony Joao	RJ220	4403

7590 10/09/2007
RAYMOND A. JOAO, ESQ.
122 BELLEVUE PLACE
YONKERS, NY 10703

EXAMINER

SHEIKH, ASFAND M

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	09/977,981		JOAO, RAYMOND ANTHONY	
	Examiner		Art Unit	
	Asfand M. Sheikh		3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-50, 52, 53, 56, 58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) 51, 54, 57, 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-50, 52, 53, 56, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on 19-Feb-2007 has been entered. Claims 41-50, 52-53, 56, and 58-59 are pending for examination.

Please take note that the examiner examining the pending application has changed. The new examiner is Asfand M. Sheikh. The group art unit has not changed

The examiner established new grounds of rejection in light of the amendment therefore the action has been made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 41-50, 52-53, 56, and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebb in view of Austin American Statesman.

Gebb entering or receiving information regarding a ticket request or a ticket option request for at least one of a ticket for a portion of an event (Gebb buyer input device 20 causes information to be entered re ticket request), processing the information regarding a ticket request or a ticket option request with a processing device (ticket system 30 processes the ticket request); generating at least one of a ticket availability message and a ticket option availability message with the processing device (system 30 posts tickets available for resale col. 8 lines 3-7); and transmitting the at least one of a ticket availability message and a ticket option availability message to a communication device associated with or used by the second individual or a third individual (the posting of the availability of tickets by the system 30 on the network is read as the transmitting of the message).

However, Gebb does not disclose selling a ticket for portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and wherein the ticket for a portion of the event is derived from a ticket for an entire event, wherein the ticket for the entire event is purchased

from a ticket issuer by a first individual having a ticket account, and further wherein the ticket for a portion of the event is purchased by or used by a second individual during the event and before the completion or conclusion of the event with a payment for use of the ticket for a portion of the event being made to the ticket account of the first individual.

But, Austin American Statesman discloses selling a ticket for portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and wherein the ticket for a portion of the event is derived from a ticket for an entire event, wherein the ticket for the entire event is purchased from a ticket issuer by a first individual, and further wherein the ticket for a portion of the event is purchased by or used by a second individual during the event and before the completion or conclusion of the event with a payment for use of the ticket for a portion of the event being made to the the first individual (four or five day passes with a day or two not used which are sold to second individuals).

It would be an obvious modification to Gebb to provide an value of the unused portion of the tickets sold by the system 30 and use the system to resell the unused tickets to second individuals as taught by Austin American Statesman, the motivation being the promotion of maximizing the use of a ticket to avoid waste.

Re Claim 42: Gebb discloses an input device 20 which receives the posting of available tickets and thus receives a response to the at least one of a ticket availability message and a ticket option availability message, wherein the response is transmitted from the communication device. The ticket server 60 processes the transaction regarding a purchase of the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event. The motivation for combining is herein repeated.

Re Claim 43: Gebb discloses a network device 40 transmitting information regarding the at least one of a ticket for a portion of an event which remains after a

start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event to the communication device (col. 8 line 60); and at least one of printing via a printer the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and displaying via a display device information regarding the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event (kiosk prints ticket col. 8, line 63.

Re claim 44: Gebb discloses payment database 116 effectuating a payment to an account associated with a seller of the ticket or the ticket option and effectuating a withdrawal from an account associated with the individual.

Re Claim 45. Gebb discloses a ticket.

Re claim 46: Gebb discloses ticket as alternatively "the right to sell an event ticket col.3 lines 33,34 which is an option.

Re claims 47,48,49: OFFICIAL NOTICE is taken of the use of the Internet and the World Wide Web to effect communication and the use of a wireless device or a wireless telephone or PDA to communicate. The motivation for this analysis is the ease of data access using portable devices.

Re claim 50: Gebb discloses a kiosk col. 8, line 63.

Re claim 52: the teaching of Austin American Statesman of using an unused four to five day pass to participate in the event (inherently performed during the event). The motivation is herein repeated.

Re claim 53: Gebb discloses the second individual or the third individual being located at will call which is at the venue of the event (Col. 8 line 55)

Re claim 56: OFFICIAL NOTICE is taken regarding the practice of upgrading during the event e.g. airline seats often are upgraded during flight when unused upgraded seats are present. The motivation for this the prevention of loss of unused assets.

Re Claim 58: the teaching of Austin American Statesman of using an unused four, to five day pass to participate in the event (inherently performed during the event). The motivation is herein repeated. OFFICIAL NOTICE is taken of the use of the Internet and the World Wide Web to effect communication and the use of a wireless device or a wireless telephone or PDA to communicate. The motivation for this analysis is the ease of data access using potable devices.

Re Claim 59: the teaching of Austin American Statesman of using an unused four to five day pass to participate in the event (inherently performed during the event). Gebb discloses a kiosk col. 8, line 63.

Official Notice

The examiner notes the applicant has not traversed the official notice's taken with the previous action mailed on 21-Nov-2006. Therefore the official notices of claims 47, 48, 49, 56, and 58 are made of record.

Response to Arguments

Applicant's arguments with respect to claims 41-50, 52-53, 56, and 58-59 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened

statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Asfand M Sheikh
Examiner
Art Unit 3627

ams
30-Sept-2007

 10/1/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER